

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BRUCE CLEMENT PENNINGTON, JR.,

Plaintiff,

v.

CASE NO. 17-3116-SAC

**SUMNER COUNTY SHERIFF'S DEPARTMENT,
et al.,**

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. §1983. On November 21, 2017, the Court granted plaintiff to and including December 15, 2017, to provide an institutional financial statement to the Clerk of the Court.

Plaintiff has moved for an extension of time to pay the fees, stating that he expects to be released in early January 2018 and that he has been unable to secure a financial statement from the facility where he is incarcerated.

The Court declines to grant the extension sought. First, plaintiff provides no documentation in support of his statement that he has been denied a financial statement. Next, plaintiff was advised by a notice issued on July 20, 2017, that because he filed this matter while incarcerated, he must provide an institutional financial statement. To date, he has failed to do so. See Doc. #5.

The Court issues this order to advise plaintiff that if he fails to submit a financial statement by December 15, 2017, the Court will dismiss this matter without prejudice. Plaintiff may refile the action upon his release in early January 2018, but he is advised that he must

refile this matter within two years of the actions that give rise to his claims for relief.¹

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion for an extension of time or a waiver of fees (Doc. #13) is denied.

IT IS SO ORDERED.

DATED: This 1st day of December, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge

¹ See *Johnson v. Johnson County Comm'n Bd.*, 925 F.2d 1299, 1300-01 (10th Cir. 1991) (holding that "the appropriate statute of limitations for § 1983 actions arising in Kansas is two years, under Kan. Stat. Ann. § 60-1507.").